

ORDINANCE NO. 190-08-116

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR), SCHEDULE A, LAND USE CLASSIFICATIONS AND SCHEDULE B, ALLOWABLE USES, B-2, USES ALLOWED IN NON-RESIDENTIAL DISTRICTS TO INCLUDE LAND USES COMMONLY FOUND IN LIFE STYLE CENTERS AND ARTS AND ENTERTAINMENT DISTRICTS; AMENDING SCHEDULE T, COMMERCE PARK OVERLAY DISTRICT, TO NOW BE "THE ARTS AND ENTERTAINMENT OVERLAY DISTRICT"; AMENDING ARTICLE III, ZONING DISTRICTS, PART 5.0 SPECIAL REQUIREMENTS FOR SPECIFIC LAND USE CLASSIFICATIONS, SECTION 5.3, ALCOHOLIC BEVERAGE USES, SECTION 5.25, MANUFACTURING, SECTION 5.26, LIVE ENTERTAINMENT, AND SECTION 5.32, RESTAURANTS; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, the City Commission has adopted a Comprehensive Plan as is required by the Local Government Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 11th, 1990, the City Commission implement its adopted Comprehensive Plan as is required by Section 163.3202, Florida Statutes, by adopting the City of Lauderhill Land Development Regulations (LDR); and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, this Ordinance proposes to amend the Land Development Regulations to include land uses commonly found in life style centers and arts and entertainment districts and to create "The Arts and Entertainment Overlay District"; and

WHEREAS, at their duly noticed meeting and public hearing of June 25, 2019, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, the City Commission considered this Ordinance at their duly noticed meeting and public hearing of August 26, 2019 and approved the proposed Ordinance on first reading; and

WHEREAS, at their subsequently duly noticed meeting and public hearing of September 12, 2019 the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. Schedule A, Land Use Classifications. That the Land Development Regulations, Schedule A, Land Use Classifications, is hereby amended to read as follows:

SCHEDULE A. - LAND USE CLASSIFICATIONS

FITNESS CENTER, GYM, OR HEALTH AND WELLNESS SPA BUT EXCLUDING MASSAGE PARLOR: A commercial recreation use where the primary emphasis is on providing a facility with exercise equipment and amenities for members or nonmembers who engage in passive or active exercises and related activities performed for health (e.g., physical fitness, improved circulation or flexibility, weight control) and recreational purposes and associated services. This land use includes as accessory and incidental uses lockers, showers, saunas, whirlpools, swimming pools and similar uses.

A Health and Wellness Spa may include such combination of services including massage, massage enhancements, waxing, hair removal enhancements, and facial services, skin care, manicure, pedicure, hair stylists. Health and Wellness Spa services are performed by State of Florida-licensed (Department of Business & Professional Regulation) barbers, cosmetologists, manicurists, pedicurists, physical therapists, physical therapists assistants, and estheticians and must be performed in a State of Florida-licensed salon/spa facility. A Health and Wellness Spa facility must be 2,800 gross square feet or larger.

This land use may be classified as a recreation use if not primarily established for financial gain and if located within a recreational zoning district or within a residential zoning district and intended to serve the residents of the residential development.

METALS AND ELECTRONICS DEALER: An industrial use upon premises involving the purchase of scrap metals (such as aluminum, copper, iron and steel), precious metals (such as gold, platinum and silver) and their alloys, electronic equipment (such as cellular telephones) and its subsequent processing or sale. This is a prohibited land use; however, existing owners of such use may continue to operate until September 30, 2015. Thereafter, such use shall become an illegal and prohibited use.

MICROBREWERY, BREWERY, INCLUDING A TAPROOM: This land use classification includes a brewery or microbrewery, including a taproom that produces of beer and sells up to 75 percent or more of its beer off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carry-outs and/or on-site taproom and does not operate significant food services

PERSONAL SERVICES: A commercial use or activity upon premises and at a scale greater than home industry, established primarily for financial gain and for the provision of frequent or recurrent needed nonmedical services of a business, domestic or personal nature. It does not include mobile collection centers and those services specifically identified elsewhere.

- Personal services includes: installation, maintenance and repairs of business machines, computers, printers, typewriters, and similar specialized business equipment; repairs of household goods, such as bicycles, furniture and re-upholstery, musical instruments, radios, small electrical appliances, small engine repair (less than ten (10) horsepower), and televisions; locksmiths; renting or leasing of small miscellaneous merchandise, products or goods; barber shops, hair and nail salons; clothing rental, dry cleaning pick-up, garment, leather alteration and repair; body wrapping for weight loss or cellulite reduction; self-service laundromat, and shoe repairs.

- Personal services includes massage services by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes and performed under one of the following situations:

1. A massage of the upper body or feet and lower legs while fully clothed and seated in a chair or salon station.
2. A massage administered in a hospital, medical clinic or in the office of a physician, chiropractor, osteopath, nurse, or physical therapist licensed by the State of Florida.
3. A massage administered in a nursing home, convalescent care facility, assisted living facility, progressive care facility, life care facility, or as part of a licensed home health care program (such as hospice, for example).
4. A massage administered at an organized public event, such as a health fair or sporting event, which is open for participation or viewing by the general public.
5. A massage administered in a Health and Wellness Spa facility may include such combination of services including massage, massage enhancements, waxing, hair removal enhancements, and facial services, skin care, manicure, pedicure, hair stylists. Health and Wellness Spa services are performed by State of Florida-licensed (Department of Business & Professional Regulation) barbers, cosmetologists, manicurists, pedicurists, physical therapists, physical therapists assistants, and estheticians and must be performed in a State of Florida-licensed salon/spa facility. A Health and Wellness Spa facility must be 2,800 gross square feet or larger

- Personal services does not include funeral home services, tattoo services, massage services except as described above or any sexually oriented business.

SECTION 2. Schedule B-2, Uses Allowed in Non-Residential Districts. That the Land That the Land Development Regulations, Schedule B, Allowable Uses, B-2, Uses Allowed in Non-Residential Districts, is hereby amended to read as follows:

B-2. Uses Allowed in Non-residential Districts.

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT
Accessory Uses ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Adult day care	SE		SE		SE									
Alcoholic beverage establishment ¹														
• Bars and taverns	SE		SE	SE	SE <u>p²</u>	p ²								
• Hotel bar	SE		SE	SE										
• Package store			SE	SE										
• Restaurant bar	SE		P	P	P	P								
Amphitheatre, arena, movie theatres and performing arts center ¹														
• Minor with 499 seats or less						P			SE	P			P	
• Major with 500 seats or more						SE			SE	SE			SE	
Amusement room, game room, recreation center ¹			SE	SE	SE <u>p²</u>	p ²			P		SE	A		
Animal hospital			P	P									P	
Athletic courts (e.g., basketball, croquet, lawn bowling, handball, netball, tennis and shuffleboard)									P	P	P		P	

Camping, temporary								SE	A	A				
Car wash			SE	SE										
Check cashing/Pay Day Loan Store			N	N										
Childcare ¹														
• Day	SE			SE	SE	SE			SE	SE				
• Evening	SE			SE	SE	SE			SE	SE				
• Weekend	SE			SE	SE	SE			SE	SE				
Clubs: Athletic (e.g., aquatic, golf, tennis, soccer), country, fraternal, private, social	SE		SE	SE	SE -P	P						A ₂		SE
Commercial kennel (enclosed building)			SE	SE	SE									
Commercial, radio, T.V., microwave and telecommunication towers	SE	SE	SE	SE	SE							SE	SE	P
Community gardens ¹														P
Community service (outreach service)		SE												
Concession facilities									A	A				
Consignment shop			P	P	P									
Convenience stores ¹		P	SE	SE	SE									
Correctional and judicial facilities ¹			N	N										N
Dance Hall							P							
Data processing and computer centers	P		P	P										
Diagnostic laboratory testing facility			P	P										P

Domestic and Business Service ¹			SE	P		P								
Education ¹														
• College and university				SE		SE							SE	
• Instructional	P	P	P	P	SE <u>P²</u>	P ²			A ²	A ²			SE	
• Pre-school	SE	P		SE	SE								SE	
• Primary and secondary, Public schools	SE			SE	SE		SE						SE	
• Primary and secondary, charter and private schools ¹	SE			SE									SE	
• Remedial		P	SE										P	
• Training	P	P	P	P	SE	SE ₂	SE		A ²	A ²			P	
Essential utilities and services	P	P	P	P	P	P	P	P	P	P	A	P	P	P
Financial institutions ¹														
• Walk-up	P	P	P	P	SE	P								
• Drive-through	SE		SE	SE										
Firearm and ammunitions sales ¹			SE											
Fishing											P			
Fitness center, gym, health and Wellness spa	SE		P	P	SE <u>P</u>	P	SE		P		A	P	P	
Flea market ¹					SE									
Freestanding and mobile vendors					<u>P²</u>	P ²								

Funeral establishments ¹			SE	SE											
Gas or service stations ¹			SE	SE											
Golf course and golf driving range								P	P	P ²					
Golf course, Mini ¹			P	P		P						P	P	P	
Government administration services, maintenance building and outdoor storage of equipment and vehicles ¹	P	SE	P	SE	SE		P					P	P	P	
Grocery store			P	P											
Helipad, Heliport ¹							SE							SE	
Holiday sales ¹			SE/L	SE/L	SE/L	P			SE	SE					
Horticulture (i.e., garden store, nurseries and greenhouses) ¹			A												
Hospitals														SE	
Hotel or motel ¹	SE		SE	SE		P									
House of religious worship ¹	P	P	P	P	P	P/A	P		P/A	P/A	A ₂	A ₂		P/A	
Jewelry store			P	P	<u>P</u>										
Junkyards ¹							SE								
Laboratories, research, film or testing							P								
Laundromat, self service			SE	SE											
Laundry and Dry cleaning, full service			P	P											
Libraries, Museums and cultural facilities	P		P						P	P				P	

Limousine service and taxi stand ¹						SE 2								
Live entertainment ¹														
• Indoors			SE	SE	SE <u>P</u>	P			P	P	P		P	
• Outdoors	SP		SP	SP	SP	P	SP	SE	SP	SE	SP	SP	SP	
Manufacturing ¹														
• <u>Brewery, Microbrewery</u> <u>(Taproom Included)</u>					<u>P</u>		<u>P</u>							
• Compounding, processing and storage			SE				SE							
• Assembly, and repair					P		P							
• Stamping, dyeing, shearing, punching of metal not over 1/8 -inch of thickness					P		P							
Medical Marijuana Treatment Center														
Medical Marijuana Health Care Establishment	SE		SE	SE	SE		SE							
Medical Marijuana Dispensing Center			SE		SE		SE							
Mental health facility ¹	P		P	P										
Minor food outlet														
Mixed use (with residential use) ¹	SE		SE	SE	<u>P</u>		SE <u>P</u>							
Newspaper publishing and printing					P		P							
Offices ¹														

• Business and professional	P	P	P	P	P	P								
• Government	SE	SE	SE	SE	SE	P ²							P	P
• Medical with non-controlled substance practitioner	P		P	P	P	A2								
• Medical with controlled substance practitioner	SE		SE	SE	SE									
• Medical after hours	SE		SE	SE	SE									
Open space (e.g., natural land, water bodies, greenways and other pathways)							P		P	P	P		P	P
Outdoor storage ¹							SE	A ²	A ²	A ²				
Parking facility			SE	SE		A				A				
Pattern making							P							
Personal services ¹	A	P	P	P	<u>P</u>	P					A			
Pest control services ¹				SE	P		P							
Pharmacy ¹														
• Walk-up			P	P										
• Drive-through			SE	SE										
Public parks administration	P		P	P	P		A		P	P	P	P	P	P
Public safety facilities and services (Police, Fire, Emergency, Lifeguard)	P		P	P	P	P	P		A	A				P
Public transit ¹	SP	SP	SP	SP	SP	A	SP					SP		SP
Publishing, lithography, engraving					P		P							

shop														
Recycling facility							SE							
Refuse area; dumpster enclosure ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Restaurants ¹														
• Sit Down/High Turnover Restaurant	P		P	P	P	P						P		
• Sit Down/High Turnover-Drive-Through Restaurant			SE	SE	SE									
• Sit Down/Low Turnover Restaurant	P		P	P	P	P						P		
• Fast Food/In-Line Restaurant			SE	SE	SE									
• Fast Food/Drive -Through ⁴			SE											
Retail sales ¹														
• Neighborhood-scale	P	P	P	P	<u>P</u>	P						A		
• Community-scale			P	P	<u>P</u>	P								
• City-scale			SE	P										
• Regional-scale			SE	SE										
Self-service storage facility ¹			SE	P			SE							
Sexually oriented businesses ¹							P							
Skating rink but excluding skateboarding			SE	SE		P			P	P				
Small appliance repair		P	P		P									
Small engine repair			P		P									

Special residential facilities (Category 3) ¹			SE										SE	
Specialty food store			P	P	<u>P</u>									
Stadiums ¹														
• Minor 499 seats or less								P	P					
• Major 500 seats or more								SE	SE					
Street and transportation corridors	P		P	P	P		P				P	P	P	
Studios ¹														
• Studio office use			SE		SE		P							
• Studio operations			SE		SE		P							
• Studio production/post-production use			SE		SE		P							
• Studio property			SE		SE		P							
• Studio use			SE		SE		P							
• Support use			SE		SE		P							
Supermarkets ¹			P	P										
Swimming pool ¹	P		P	P	P	A		P ²	P ²	A	P			
Tattoo parlors					P									
Telecommunication facility ¹														
• Antenna and equipment	P		P	P	P	P	P	SE	P	P		P	P	P
• Antenna support structure, freestanding	SE		SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE

Tobacco store ¹		P	P	P	P	P								
Tool, die and gauge shops					P		P							
Transformer and electrical switching station														P
Veterinary services			P	P										
Warehouse/storage building					P		P							
Water play areas, water slide, tube rides										SE				
Welding shop ¹					SE		SE							
Wholesale establishments							P							

Footnotes:

- SE = Special exception use
- P = Permitted use
- A = Accessory use
- SP = Special permit
- N = Nonconforming use
- L = Promotional license

¹ = See Article III, Zoning Districts, Part 5.0, Special Regulations for Specific Land Use Classifications and Structures for additional requirements.

² = See the specific zoning district regulations in Article III, Part 3.0, for special regulations regarding this specific land use.

³ = These uses will sunset and expire on December 31, 2019 and will no longer be allowed in this district.

⁴ = Fast food/drive-through restaurant is not permitted in the General Commercial (CG)/Transect Overlay Zone zoning district along Rt. 441/SR7.

SECTION 3. SCHEDULE T. That the Land Development Regulations, Schedule T, Commerce Park Overlay District, is hereby amended to be renamed to now be known as "The Arts and Entertainment Overlay District" which shall read as follows:

SCHEDULE T. - COMMERCE PARK SPECIAL OVERLAY DISTRICT^[9]

Sec. 1.1. - Purpose and administration of district.

The purpose of this Schedule is to describe the specific uses and restrictions that shall apply exclusively to land use in the ~~Commerce Park~~ of the City of Lauderhill, Florida. The ~~park~~ **Arts and Entertainment District** is designated herein as a special overlay district. This Schedule defines the boundaries of the district and the goals, objectives and development regulations therein. Any item not specified in this Schedule shall be governed by the Land Development Regulations. In the event of conflicts between the terms of this Schedule and other provisions of the Code, the terms of this Schedule shall prevail. The Community Development Department will resolve any conflicts.

Sec.1.1.1 Intent

The City's Economic Development Division is working closely with the CRA to transform 38th Avenue and the surrounding commercial warehouse area into a hip, arts and design district with vibrant entertainment and thriving industrial uses.

City of Lauderhill Business Improvement District

Overview

The primary goal of the Business Improvement District (BID) is to stimulate economic vitality and redevelopment activities within the Eastern Community Redevelopment Agency (CRA). The BID will work continuously on behalf of property owners and merchants to foster an environment that does the following:

- (1) Encourages business attraction and expansion
- (2) Provides funding for Infrastructure Improvements
- (3) Addresses Community Maintenance and Appearance
- (4) Enhances Safety and Security
- (5) Creates Marketing and Promotional Opportunities
- (6) Land acquisition

Nature of Proposed Infrastructure Improvements

Accordingly, the proposed BID will include several design elements that are essential to the elevating the design and appearance of the neighborhood. In addition, these improvements will enhance safety and create fluidity with regards to traffic flow in the subject area.

Specifically, improvements will be made in the following areas:

- Addition of on-street Parking
- Widening of Sidewalks
- Landscaping
- Installation of Pedestrian Lighting

- Inclusion of Street Furniture

Additional infrastructure improvements are slated in the areas of paving, storm drainage, pavement marking and signage.

District Maintenance

Ongoing community maintenance is essential to sustain the BID's investment in infrastructure and aesthetic improvements. In order to facilitate a consistently high standard of quality with the designated area a minimum of (2) two Full-time Maintenance Workers will be required. Assigned duties for maintenance staff will include but not be limited to the following: Maintenance and upkeep of landscaping, street sweeping, pressure cleaning, grass cutting, weeding, mulching, and daily litter control. In addition, the district will have the ability to hire contractual works on an as needed basis to address additional needs associated with district festivals and/or events.

District Safety and Security

As the safety and wellbeing of all patrons and business owners is at the forefront of all BID policies and procedures, the proposed district includes provisions for (2) two sergeants and (6) six police officers. These personnel will work closely with the City of Lauderhill Police Department and the Lauderhill Community Redevelopment Agency to ensure that customers and visitors to the area have a safe and enjoyable experience. Funding will provide for 24/7 monitoring, security services and community policing of the district.

BID Marketing & Promotions

The BID will promote and advance the interests of local merchants in the area. As such, the BID will create opportunities for business owners to market their sales and events through its website, social media account and in promotional materials developed by the BID.

Land Acquisition

As the area flourishes, we expect land/building acquisition opportunities. As such, the BID will have the ability to acquire, redevelop and/or resale properties to move the district towards its stated goals. Also, funds will be used to make debt service payments should it become necessary to obtain debt financing.

This Arts and Entertainment District is intended to encourage places of cultural consumption - such as art galleries, breweries/brew pubs, visual and performing arts, theatres, cafes, artist studios, personal services, music venues, and public squares for performance along NW 38th Avenue. The regulations and intent statements contained herein together comprise a policy blueprint for the Arts and Entertainment District development. Specifically, the district is intended to accomplish the following:

- Result in improved living and working environments;
- Enhance Lauderhill's tax base by increasing property values through high-quality development, and assisting in the redevelopment of NW 38 Avenue;
- Promote development rather than haphazard speculative development that compromises the integrity and the economic health of NW 38 Avenue;
- Promote land uses which attract people for specific purposes such as employment, entertainment, business needs, and shopping, as distinguished from land uses which depend largely upon pass-by traffic for business;
- Create a showcase Arts and Entertainment District along NW 38 Avenue, which serves as a prominent linkage between NW 19 Street and the Lauderhill Performing Arts Center (LPAC);

- f. Protect the integrity of adjacent residential neighborhoods;
- g. Permit a mix of residential and nonresidential development, including mixed uses within buildings or parcels;
- h. Encourage visual interest by ensuring the buildings and landscapes are accented rather than their parking facilities;
- i. Bring buildings to the roadway and ensure proper proportioning to "enclose" the corridor, and provide a sense of place;
- j. Encourage the use of creative shipping container/pop-up type construction (with second story viewing decks) for an array of different options installed in a pattern designed to be visually stimulating as well as functional;
- k. Proved for interesting lighting treatments, creative site furnishings and work of local artists;
- l. Provide for public amenities and pedestrian conveniences;
- m. Maintain flexibility so as not to restrict creativity in development and design, while producing development that adheres to the intent of the District, contributing positively to the image of the City of Lauderhill.

Sec. 1.2. - ~~Commerce park~~ overlay district delineation.

~~Commerce Park~~, designated herein as a special overlay district is the area beginning 300+ feet east of the northwest corner of Section 31 (centerline intersection of SR 7/US 441 and centerline of NW 19 Street); east 980+ feet along centerline of NW 19 Street; south 1,388+ feet along west side of canal right-of-way; west 32+ feet along property line; south 233+ feet along property line to centerline of NW 16 Street; west 560+ feet along centerline of NW 16 Street to the centerline intersection of NW 39 Avenue; north 280+ feet along centerline of NW 39 Avenue; west 30+ feet; north 990+ feet; west 360+ feet; north 366+ feet to centerline intersection of NW 19 Street; all within the City of Lauderhill, Florida. **This Schedule shall apply only to land use within the boundaries so defined.**

Sec. 1.3. - Land uses.

- (a) *Permitted land uses.* For the purpose of this Schedule in regulating land, water, and buildings; and heights, bulk, and open space, ~~Commerce Park~~ is hereby zoned as a ~~C-4 general business warehouse~~ district. Within this district, all ~~C-4 general business warehouse~~ district land uses in the Land Development Regulations are permitted. ~~In addition, the following uses are permitted within the geographic areas as outlined:~~
- (1) ~~Retail (indoors) are defined in the Land Development Regulations, shall be confined to storefronts on 38th Avenue, 16th Street and 19th Street but outdoor storage uses are prohibited anywhere within the district.~~
 - (2) ~~Personal services including, but not limited to, repair shops (watches, radios, televisions, store appliances but not vehicular related), tailor shops, photographic studios/labs and printing facilities, beauty and barber shops and nail salons are permitted in the storefronts on 38th Avenue, 16th Street and 19th Street.~~
 - (3) ~~Convenience food stores as defined in the Land Development Regulations. Confined to 38th Avenue between 16 Street and 19 Street and on 16th Street between 38th Avenue and 34th Terrace. Convenience food stores shall not be located closer than one thousand (1,000) feet of~~

~~one another. Said distance to be measured by a direct line from the closest edge of one store to the closest edge of the other store.~~

- ~~(b) *Land use classification.* For purposes of administration of this district, the City Planner shall enforce existing and future uses of the Commerce Park in accordance with the uses specifically permitted in this Schedule and in the Land Development Regulations.~~
- ~~(c) *Permitted uses for lots and tracts.* A site development permit for individual lots or tracts shall be issued upon determination that the proposed use is one permitted in this district, and that the proposed use of the lot or tract conforms with all applicable provisions of this Schedule.~~
- ~~(d) *Special regulations on permitted and required uses.* In order to insure continued stability in the Commerce Park, the following special limitations are imposed on the location and kinds of uses permitted within the district. These requirements and limitations shall apply to new developments, expansions or changes of uses:~~
- ~~(1) *Restriction on ground floor uses.* For any developments located in the Commerce Park on 38th Avenue between 16th Street and 19th Street, uses located on the ground level shall be limited to retail, office and personal service uses as listed in 1.3(a). This restriction shall not apply to uses permitted in the Park for which valid leases were executed prior to the adoption of this Schedule.~~
- ~~(2) *Permitted uses.* This sub article comprises a group of uses permitted by right in the Commerce Park overlay district. Other uses for C-4 districts identified as special exception uses in the Land Development Regulations shall undergo review by the Community Development Department only. In order to serve the purpose of permitting a wide variety of compatible land uses, permitted uses are not limited to any particular number of specified uses. Rather, any use consistent with the purposes of the district and not in conflict with the provisions of this Schedule is permitted. Any use customarily incidental to the permitted use is permitted as an accessory use provided that the incidental use is not itself excluded by the provisions of this Schedule:~~

~~Communication facilities
Convenience food store (as per 1.3(a))
Dry-cleaning establishment
Manufacture, compounding, processing and storage
Manufacturing assembly and repair of furniture
Manufacturing, assembly repair of precision or electrical instruments and appliances
Personal services (as per 1.3(a))
Police and fire facilities
Public parks and buildings
Public and private utilities
Publishing lithography, engraving shop
Retail (as per 1.3(a))
Stamping, dyeing, shearing, punching of metal not over 1/8 inch of thickness
Street and transportation corridors
Tool, dye and gauge shops
Wholesale establishments
Warehouse/storage buildings
Welding shop~~

~~(Ord. No. 92-184, § 1, 10-13-92; Ord. No. 05O-03-120, § 1, 3-28-05)~~

~~Sec. 1.4. General requirements for buildings and parcels, setback and yards.~~

~~Except as specified otherwise in this Schedule, general requirements for the location and dimension of all buildings, parcels, building setbacks and yards shall conform with Schedule C of the Land Development Regulations.~~

~~(a) *Minimum setback lines.* No structure of any kind, and no part thereof shall be placed within fifteen (15) feet from any public property line and ten (10) feet from any side property line. The following improvements are expressly excluded from this setback restriction:~~

~~(1) Structures below and covered by the ground.~~

~~(2) Steps, walks, driveways, and curbing.~~

~~(3) Fences or hedges.~~

~~(b) *Density.* Lot coverage, including all buildings and paved areas, will not exceed seventy (70) percent of the gross lot area.~~

~~(c) *Lighting:*~~

~~(1) Well designed soft lighting of the building exterior shall be permitted, provided that the light source is not visible and that it complements the architecture. Lighting fixtures shall be of a design and size that is compatible with the building and adjacent areas.~~

~~(2) Parking lot, service area, and roadway lighting shall be provided by free standing fixtures. The material and color of the fixtures will be evaluated in terms of their compatibility with the architecture and natural characteristics in the Park.~~

~~(3) Pedestrian walkways shall be well lit from sunset to sunrise to insure the safety of pedestrians.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.5. Signage.~~

~~(a) *Signs.* Signs should complement the architectural scale and style of the building and should be designed as an integral architectural element of the building and site to which it principally relates. Each sign must be compatible with signs adjoining premises and shall not compete for attention. Sign criteria shall be submitted to the Community Development Department by the Industrial Design Review Board for approval as outlined in Section 1.11.~~

~~(b) *Permitted signs.* Permits shall be granted for the following signs, under the terms as required in Schedule I of the Land Development Regulations: ground/directory, painted window signs, paper window signs; fixed projecting signs; wall signs; swinging projecting signs; cantilever signs; banner signs, flags or pennants.~~

~~(c) *[Allowable conditions.]* The following signs shall be allowed only under the conditions listed below:~~

~~(1) *Grand opening signs.* Grand opening signs for individual stores are allowed within the first year of a business opening not in excess of fifty (50) percent of glass area if in window. Grand opening banners shall be allowed, but not to exceed a 60-day period of display from the date of opening. This may be a banner and/or pennant type hung from a marquee of an exterior wall or parapet of building of said business.~~

~~(2) *Ground/directory signs.* One (1) ground/directory sign shall be permitted per building. Such a sign shall be erected at a middle position in front of the building, and shall conform to the color and architectural styles in the Park.~~

~~(3) *Landscaping around signs.* Landscaping around ground/directory signs is required as outlined in Section 1.14(c) of Schedule I of the Land Development Regulations.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.6. Parking.~~

Of all forms of traffic, pedestrian traffic, followed by bicycle traffic, shall have priority over vehicular traffic in this district. Therefore, the following parking regulations shall apply in the district and shall supersede all parking requirements enacted prior to the adoption of this Schedule:

- ~~(a) *Off-street loading.* Access to accessory off-street loading berths shall be provided by existing alleys and streets and the district shall comply with the Land Development Regulations.~~
- ~~(b) *Parking ratios.* Upon adoption of these regulations, one (1) parking space nine (9) feet wide and eighteen (18) feet deep shall be required for every three hundred and fifty (350) square feet of building space for all uses. The number of parking spaces required per development shall be determined by the City upon request for development permit. Joint use of off-street parking facilities as outlined in Schedule G, Section 1.4 of the Land Development Regulations shall be applicable in this district.~~
- ~~(c) *Parking surface.* All parking lots, driveways, and walks will be surfaced with bituminous concrete, concrete, brick or an equal material approved by the Community Development Department.~~
- ~~(d) *Parking grade and drainage.* Driveways shall not exceed a grade of 4 percent and all parking lots except those exempted by the Community Development Department shall be graded according to an approved drainage plan. Catch basins, stumps, and underground storm sewers may be required, and all such lots and driveways shall be surfaced with a material to control dust and drainage materials.~~
- ~~(e) *[Parking lighting.]* Any lighting used to illuminate an off-street parking area shall be shaded or diffused so as to reflect the light away from the adjoining property and away from abutting traffic.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.7. — Streets and sidewalks.~~

~~To guarantee maximum protective measures for pedestrians and bicyclists in the district, vehicular traffic shall be regulated as follows:~~

- ~~(a) — A speed limit of 25 miles per hour shall be posted and enforced throughout the Park.~~
- ~~(b) — Pedestrian crossings shall be provided at each accessway and wherever the Community Development Department shall find such crossings necessary for pedestrian safety.~~
- ~~(c) — Traffic signs, of all types, shall be installed at appropriate junctures as shall be determined by the Community Development Department.~~
- ~~(d) — Sidewalks shall be provided along right-of-ways on 38th Avenue and 16th Street, and elsewhere in the district as otherwise provided in the City Code.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.8. — Landscaping.~~

~~Landscaping shall be designed in accordance with the criteria developed by the Industrial Design Review Board. Such landscaping, including lawn areas, trees, and shrubbery, shall be maintained in excellent condition by cutting, trimming, feeding, watering, and weeding. Each property owner in the district shall be responsible for the construction, installation, and maintenance of functional and aesthetically suitable landscaping on each building site. Such landscaping shall be subject to the design criteria developed and shall be installed only after plans therefore have been submitted to and approved by the Community Development Department.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.9. — Recreational facilities and open space.~~

~~The district shall contain, through either dedication or reservation, recreational areas in the form of miniparks in an amount equal to five (5%) percent of the entire geographic area. The purpose of the miniparks is to provide open space to the employees within the area of the district. These miniparks shall not be encumbered with any substantial structure, shall be attractively landscaped and be located on dry land.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.10. – Manufacturing and processing performance standards.~~

- ~~(a) — *Smoke.* For the purpose of determining the density of opacity of smoke, the Ringelmann Chart shall be used. All measurements shall be taken at the point of emission of the smoke. In the district, no use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringelmann No. 1.~~
- ~~(b) — *Noise.* No use in the district may generate noise that has an annoying or disruptive effect upon uses located outside the immediate space. The maximum permissible noise level for uses in the district shall be 60 DB(A), and measurements shall be taken from lot line of the use.~~
- ~~(c) — *Vibration.* No use may generate any ground transmitted vibration in excess of 0.10 inches per second. Vibration will be measured at the lot line adjacent to the use whereon the vibration occurs.~~
- ~~(d) — *Odor.* The maximum odor threshold is the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.~~
- ~~(e) — *Air pollution.* Any use that emits any air contaminant as defined in Florida State Statutes shall comply with applicable state standards concerning air pollution as defined in the state air pollution control law.~~

~~No development permit shall be issued until the applicant has certified that the appropriate state permits have been received and the project is in compliance with air pollution laws.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

~~Sec. 1.11. – Industrial design review board.~~

~~An Industrial Design Review Board will be established whose role is to develop specific design guideline criteria related to site and building improvements, signage and landscaping on property within the overlay district. Design guidelines will emphasize the appearance of the Park: architecture, landscaping, signage, buffering, fencing, and outdoor storage. This board will consist of five (5) members. Four (4) members will represent owners of property in the district and be elected annually by the property owners. The Economic Board Development Manager of the City of Lauderhill shall be a member of the board. This board will develop criteria for the district to include: recommended building styles and colors, sign criteria and landscape criteria. Recommended criteria will be submitted by this board to the Community Development Department for review and approval. The Community Development Department will review permit applications in light of approved criteria. One member of the Industrial Design Review Board will be appointed to the Development Review Committee by the administration, solely to review projects located in this district. Until criteria are developed for signage, landscaping or building design, other provisions of the Land Development Regulations shall prevail.~~

~~(Ord. No. 92-184, § 1, 10-13-92)~~

SECTION 3. That Land Development Regulations, Article, III, Zoning Districts, Part 5.0, Special Requirements for Specific Land Use Classifications, Section 5.3, Alcoholic Beverage Uses, is amended to read as follows:

Sec. 5.3. - Alcoholic beverage uses.

5.3.4. *Exemptions.* The following are allowable exceptions from the separation standards.

- A. A grocery store, supermarket, a pharmacy, a restaurant, a restaurant bar, an event sponsored or cosponsored by the City, and a hotel bar shall be exempt from any distance requirements of Section 5.3.
- B. Within the Commercial Entertainment (CE), Commercial Warehouse (CW), Arts and Entertainment District Overlay District, and Town Center (TC) zoning districts, separation or minimum distance requirements between and among uses licensed by the state and City to sell alcoholic beverages either for consumption on or off premises shall not apply. In addition, the separation or distance requirements for uses licensed by the state and City to sell alcoholic beverages within the CE, Commercial Warehouse (CW), Arts and Entertainment District Overlay District, and TC zoning district and establishments similarly licensed outside the district.

5.3.8. *Bars and tavern.* This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-4A, RS-5, RS-5A, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited property where the front or rear property lines are three hundred (300) [feet] in the General Commercial zoning district if the land use is located on three hundred fifty (350) feet or less from property zoned RS-4, RS-4A, RS-5, RS-5A, RM-5, RM-8, RM-10, RM-18, or RM-22 districts.

5.3.8.1 Bars, taverns, microbrewery/brewery tap room. This land use is permitted in the CE and CW zoning districts and the Arts and Entertainment Overlay District.

5.3.9. Bottle clubs. Bottle clubs are a prohibited use unless specifically approved by the City Manager.

5.3.13. CE and, TC, CW zoning districts and Arts and Entertainment Overlay District.

- A. *Portability.* In accordance with state and City permitting and licensing requirements, alcoholic beverages sold for consumption on the premises by a vendor may be consumed, held, carried and transported in the original or substitute container, at any location within the CE and, TC, CW zoning districts and Arts and Entertainment Overlay District.
- B. *Outdoor sales.* Those vendors, persons or entities within the CE and, TC, CW zoning districts and Arts and Entertainment Overlay District licensed under state beverage laws, may sell and serve beer, wine, and alcoholic beverages of any type regardless of alcohol content at any location within the zoning districts licensed for such sale and under the control of such license, including, but not limited to, sidewalk cafes, outdoor areas designated for food and beverage consumption or both adjacent to and operated in concert with a business operated within enclosed premises, licensed freestanding structures including outdoor bars and kiosks selling food or beverages including alcoholic beverages and pushcart type vehicles, provided that all such vendors or operators of such outdoor facilities vending and serving alcoholic beverages shall be duly licensed by the state and allowed to operate pursuant to the City Code of Ordinances and the Land Development Regulations.

SECTION 4. That Land Development Regulations, Article, III, Zoning Districts, Part 5.0, Special Requirements for Specific Land Use Classifications, Section 5.25, Manufacturing, is amended to read as follows:

Sec. 5.25. - Manufacturing.

Manufacture, compounding, processing, or storage of such products as: ceramics (electrically fired), cosmetics, and toiletries (except soap), clothing, food and dairy products, hardware, household supplies, jewelry, medical supplies, paper and plastic products (except pyroxylin), pottery (electrically fired), and precision and electronic instruments are allowed in the Light Industrial Zoning District as a special exception use.

The manufacturing, compounding, processing, or storage of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, leathers, fur, felt, fiber, glass, horn, hair, leather, paper, plastics, precious and semiprecious metals or stones, shells, textiles, tobacco, wood, and yarn are allowed in the Light Industrial Zoning District as a special exception use.

This land use classification includes a brewery or microbrewery, including a taproom that produces beer and sells 75 percent or more of its beer off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carry-outs and/or on-site taproom and does not operate significant food services.

SECTION 5. That Land Development Regulations, Article, III, Zoning Districts, Part 5.0, Special Requirements for Specific Land Use Classifications, Section 5.26, Live Entertainment, is amended to read as follows:

Sec. 5.26. - Live entertainment.

5.26.1. *Live entertainment (indoors).*

A. ~~CR, and CF, CW and CE~~ zoning districts. Live entertainment is allowed as a permitted use in the Commercial Recreation and Community Facility Commercial Warehouse zoning districts and the Arts and Entertainment Overlay District provided the live entertainment shall occur completely indoors.

1. The City Manager may repeal the live entertainment use if it is determined to have an adverse impact to the public safety, health and general welfare. A prima facie case for repealing the use shall be established if the City Manager finds that at least three (3) police incidents are attributable to the use within any one-year period.

B. ~~CC, CG and CW~~ zoning districts.

1. *Special exception use.* A special exception use development order from the City Commission shall be required for live entertainment (indoors) in the Community Commercial (CC) ~~and~~, General Commercial (CG) ~~and Commercial Warehouse (CW)~~ zoning districts unless exempted under subparagraph b. below.

2. *Exception.* Live entertainment (indoors) shall be allowed as a permitted use in the Community Commercial (CC), General Commercial (CG) ~~and Commercial Warehouse (CW) zoning districts~~ provided one (1) of the following conditions are satisfied:

- a. The use occupies an entire freestanding building and the property where the building is located does not abut any residential or park zoning districts; or
- b. The use is located on an outparcel, it occupies an entire freestanding building, and the shopping center shields more than ninety (90) percent of the freestanding building from any abutting residential use or park zoning district.
- c. The City Manager may repeal the live entertainment use if it is determined to have an adverse impact to the public safety, health and general welfare. A prima facie case for repealing the use shall be established if the City Manager finds that at least three (3) police incidents are attributable to the use within any one-year period.

SECTION 6. That Land Development Regulations, Article, III, Zoning Districts, Part 5.0, Special Requirements for Specific Land Use Classifications, Section 5.32, Restaurants, is amended to read as follows:

Sec. 5.32. - Restaurants.

5.32.1. *General.* The following shall apply to all restaurants, including restaurant bars:

A. *Prohibited hours of operation.*

- 1. *Arterial and collector roads.* Restaurants fronting on an arterial or collector road shall be closed during the following hours: Monday through Saturday, 2:00 a.m. to 5:30 a.m. and Sundays, 2:00 a.m. to 6:00 a.m.
- 2. *Local roads.* Restaurant fronting on local roads shall be closed during the following hours: Monday through Saturday, 10:00 p.m. to 7:00 a.m. and Sunday 5:00 p.m. to 9:00 a.m.
- 3. *Adjustments.* The City Commission, sitting as the Board of Adjustment, may adjust the days and hours of operation for a restaurant through the special exception use process.
- 4. *Amortization period.* Existing restaurants currently operating within the prohibited days and hours of operation may continue to operate until December 31, 2011. Thereafter, the restaurant will be an illegal nonconforming use.

5. Exceptions: Hours of operation. Restaurants, Restaurant-Bars and Bars and Taverns and Microbrewery, Brewery also including a Tap Rooms located within the CE zoning district shall be closed during the following hours: Monday – Saturday 4am to 7am and Sundays from 4am to noon.

Restaurants, Restaurant-Bars and Bars and Taverns and Microbrewery, Brewery also including a Tap Rooms located within the CW zoning district and the Arts and Entertainment Overlay District shall be closed during the following hours: Monday – Saturday 2am to 7am and Sundays from 2am to noon.

5.32.3. *Accessory uses.* The following uses may be deemed accessory to a restaurant.

- A. *Banquet room.* A portion of the restaurant may be made available for private parties provided that the restaurant is made available to the general public at the same time.
- B. *Catering.* Food and meals prepared on the premises may be delivered to another location for consumption off premises.
- C. *Indoor live entertainment.* Indoor live entertainment shall be allowed as an accessory use to a restaurant (or restaurant bar) provided all the following conditions are satisfied:
 1. The restaurant does not exceed a size of two thousand five hundred (2,500) gross square feet;
 2. The restaurant does not include any open area designed or used for dancing;
 3. The restaurant does not have an elevated stage;
 4. The number of performers cannot exceed two (2) persons; and
 5. A cover charge, entrance or similar fee is not charged for admittance.

6. Exceptions: Indoor live entertainment. Restaurants, Restaurant-Bars and Bars and Taverns located within the CE and CW zoning districts and the Arts and Entertainment Overlay District shall be exempt to 5.32.3.C

67. The City Manager may repeal the live entertainment accessory use if it is determined to have an adverse impact to the public safety, health and general welfare. A prima facie case for repealing the use shall be established if the City Manager finds that at least three (3) police incidents are attributable to the use within any one-year period.

SECTION 7. Findings and Conclusions. The Whereas clauses herein and the Development Review Report prepared by City staff is attached hereto, incorporated herein, and is hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending the Land Development Regulations.

SECTION 8. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 9. Codification. The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 10. Effective Date. This Ordinance shall take effect upon adoption.

DATED this _____ day of _____, 2019.

PASSED on first reading this _____ day of _____, 2019.

PASSED AND ADOPTED on second reading this _____ day of _____, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. BATES
H. BERGER
R. CAMPBELL
D. GRANT
K. THURSTON

